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8 Attorneys for the United States of America

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 CARY COLLINS,

16 Defendant.

) CASE NO. 3:15-CR-533 RS

) STIPULATION AND

) ~~[PROPOSED]~~ ORDER EXCLUDING TIME
17 UNDER THE SPEEDY TRIAL ACT

18
19 The parties appeared before the Court on January 30, 2018. The parties, with the consent of the
20 defendant, hereby stipulate as follows:

- 21 1. On January 30, 2018, the defendant pleaded guilty to Counts Four and Eight of the
22 Indictment pursuant to a plea agreement, under which the government agreed to dismiss
23 without prejudice Counts One through Three, and Five through Seven unless the
24 defendant violates the terms of the plea agreement or fails to accept responsibility.
25 2. As stated in the plea agreement, severed Count Nine of the Indictment remains pending
26 against the defendant, and the parties may proceed to trial on severed Count Nine.
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28

- 1 3. The United States has provided the defendant with discovery materials regarding severed
2 Count Nine, and the defendant requires additional time to review the discovery and to
3 prepare effectively with defense counsel.
- 4 4. Additionally, a delay regarding severed Count Nine is appropriate based on the delay
5 resulting from the trial proceedings that have been pending and that have related to
6 Counts One through Eight against the defendant.
- 7 5. There is good cause to exclude time under the Speedy Trial Act as the ends of justice
8 from such an exclusion outweigh the best interest of the public and the defendant in a
9 speedy trial. Specifically, such an exclusion provides defense counsel reasonable time
10 for effective preparation, taking into account due diligence. 18 U.S.C. § 3161(h)(7)(A)
11 and (h)(7)(B)(iv). Additionally, such an exclusion is appropriate as the delay results from
12 the trial proceedings that have been pending and that have related to other charges against
13 the defendant. 18 U.S.C. § 3161(h)(1)(B).
- 14 6. Based on the foregoing, the parties jointly and respectfully request that the Court issue
15 the proposed order excluding time under the Speedy Trial Act.

16
17 IT IS SO STIPULATED.

18 DATED: January 30, 2018


ELIZABETH MEYER FALK
Counsel for Defendant Collins

ALEX G. TSE
Acting United States Attorney

23
24 DATED: January 30, 2018


JEFFREY SHIH
Assistant United States Attorney

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2 **PROPOSED ORDER TO EXCLUDE TIME**

3 Based on the stipulation of the parties, the consent of the defendant, and on good cause shown,
4 the Court orders that the time period from the date of this Order, through and including the date set for
5 the next hearing before the District Court on May 29, 2018, is excluded under the Speedy
6 Trial Act. The Court bases this exclusion of time and makes the findings as stipulated by the parties
7 above.

8 IT IS SO ORDERED.

9 Dated: January 30, 2018



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE